

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE POKÉMON COMPANY
INTERNATIONAL, INC., a Delaware
corporation,

Plaintiff,

v.

BRYAN GARCIA CRUZ, an individual,
Defendant.

No. 19-cv-1911MJP

PLAINTIFF THE POKÉMON COMPANY
INTERNATIONAL, INC.'S MOTION TO
EXTEND THE DEADLINE FOR THE
JOINT STATUS REPORT & RELATED
DEADLINES

NOTE ON MOTION CALENDAR:
September 25, 2020

Plaintiff, The Pokémon Company International, Inc. ("TPCi"), moves this Court under Federal Rule of Civil Procedure 6(b)(1) for a 90-day extension of the deadline for the parties to file a Joint Status Report and all associated deadlines.

I. BACKGROUND

Defendant Bryan Garcia Cruz leaked more than a dozen images from TPCi's *Pokémon Sword and Shield: The Official Galar Region Strategy Guide* ("Strategy Guide"), which TPCi created to accompany the release of two highly anticipated video games, Pokémon Sword and Pokémon Shield. TPCi sued then-anonymous John/Jane Doe Defendants on November 22, 2019. Dkt. No. 1. On March 26, 2020, TPCi amended its complaint to name Mr. Cruz. Dkt. No. 17. The next day, TPCi sent a letter to Mr. Cruz requesting that he waive service. Mr. Cruz

MOTION TO EXTEND DEADLINES
(No. 19-cv-1911MJP) – 1

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 returned the waiver of service on May 15, 2020, and TPCi filed it on May 18, 2020. Dkt. No.
2 22.

3 Since then, TPCi and Mr. Cruz have been engaged in discussions regarding the leaked
4 Strategy Guide images, how others may have been involved in the leaks, and prospects for
5 settlement. Declaration of Holly M. Simpkins (“Simpkins Decl.”) ¶ 2. In addition, TPCi is
6 moving its investigation forward, recently reaching out to an entity that may have additional
7 information. *Id.* ¶ 3. Unfortunately, the ongoing COVID-19 pandemic has made the
8 investigation of this matter much more difficult than initially anticipated. *Id.* ¶ 4. TPCi seeks a
9 90-day extension of the deadline for the Joint Status Report and associated deadlines to allow
10 time for these discussions to continue, and for TPCi to continue to pursue its investigation.

11 II. ARGUMENT

12 A motion to extend the deadline for the Joint Status Report and related activities may be
13 granted for good cause. *See* Fed. R. Civ. P. 6(b)(1). Good cause exists here. The Joint Status
14 Report is due September 29, 2020. Dkt. No. 25. TPCi and Mr. Cruz have engaged in good faith
15 discussions regarding the leaked Strategy Guide images and the possibility of settlement as well
16 as conducting an ongoing investigation of other potentially involved parties. Because TPCi’s
17 investigation of this matter is ongoing and settlement discussions may lead to the ultimate
18 resolution of this dispute with respect to Mr. Cruz, it would be premature to hold a Case
19 Management Conference, serve initial disclosures, or submit a Joint Status Report. Accordingly,
20 in the interest of justice and to enhance judicial efficiency and preserve resources, TPCi
21 respectfully requests that the deadline for the Joint Status Report be extended approximately 90
22 days to January 4, 2021, with all related deadlines to be extended accordingly.

23 III. CONCLUSION

24 For the foregoing reasons, TPCi respectfully requests that the Court grant TPCi’s motion
25 for a 90-day extension of the deadline to submit the Joint Status Report and all related deadlines.
26

1 DATED this 17th day of September, 2020.

2 s/ Holly M. Simpkins

3 Holly M. Simpkins, WSBA No. 33297

4 Lauren W. Staniar, WSBA No. 48741

5 Jacob P. Dini, WSBA No. 54115

6 **Perkins Coie LLP**

7 1201 Third Avenue, Suite 4900

8 Seattle, WA 98101-3099

9 Telephone: 206.359.8000

10 Facsimile: 206.359.9000

11 E-mail: hsimpkins@perkinscoie.com

12 E-mail: lstaniar@perkinscoie.com

13 E-mail: jdini@perkinscoie.com

14 Attorneys for Plaintiff

15 The Pokémon Company International, Inc.